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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,245	12/02/2003	John B. Amundson	H0005440-9950 (1161.11421)	3518
128	7590	06/02/2006	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/726,245	AMUNDSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas K. Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

**Response to Amendment**

1. This is in response to the amendment file 03/29/2006.
2. Applicant's amendment, with respect to the new issues of claims 1, 16, 23, 24, 31 and 37, necessitated new grounds of rejection presented in this Office action.

**Quotations of U.S. Code Title 35**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim Rejections - 35 USC § 102**

7. Claims 1, 4-6, 9, 13-17, 19, 20, 22-24, 26-28, 30, 31, 33, 34, 36, 37, 39-41 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,824,069 ("Rosen").

**Regarding claim 1**

Rosen teaches the invention including a method of programming a schedule of a controller having a user interface, the schedule having a number of schedule parameters, the method comprising the steps of: providing two or more interview questions to a user via the user interface, each of the two or more interview questions elicit a numerical time and/or a numerical temperature as a response; accepting one or more user responses from the user via the user interface, in a non-graphical form, to the two or more interview questions; and creating and/or modifying one or more of the schedule parameters based on the user responses provided by the user interface is taught as a programmable thermostat system having touch screen user interface for interactively displaying and programming with a user (see abstract), the touch screen user interface provides at least two or more programming steps asking for the times and temperatures (see FIG. 5 – FIG. 10) which receives numerical times and numerical temperatures as a response and creating and/or modifying the schedule after completion of the program (see Col. 5 line 56 to Col. 6 line 41).

**Regarding claim 16**

Rosen teaches the invention including a controller comprising: a programmable schedule, the schedule having a number of schedule parameters; and a user interface, adapted and configured to provide two or more interview questions to a user, and to accept a numerical value for each of the at least two of the two or more interview questions as user responses said at least two of the

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two or more interview questions including at least one interview question relating to a comfort temperature level of the user, and at least one different question relating to a schedule of the user; wherein, one or more of the schedule parameters are modified based on the user responses is taught as a programmable thermostat system having touch screen user interface for interactively displaying and programming with a user (see abstract), the touch screen user interface provides at least two or more programming steps asking for the times and at least one step relate to setting of the temperatures (see FIG. 5 – FIG. 10) which receives numerical times and numerical temperatures as a response and creating and/or modifying the schedule after completion of the program (see Col. 5 line 56 to Col. 6 line 41).

**Regarding claim 23**

Rosen teaches the invention including a controller comprising: schedule means for providing a programmable schedule, the programmable schedule having a number of schedule parameters; and user interface means adapted and configured to provide two or more interview questions to a user, and to accept one or more user responses to the one or more interview questions from the user, said two or more interview questions including at least one interview question eliciting a discrete numerical value from the user relating to the user's comfort level and/or schedule; wherein, the controller modifies one or more of the schedule parameters based on the user responses provided by the user interface is taught as a programmable thermostat system having touch screen user interface for interactively displaying and programming with a user (see abstract), the touch screen user interface provides at least two or more programming steps asking for the times and at least one step relate to setting of comfortable temperatures (see FIG. 5 – FIG. 10) which receives numerical times and numerical temperatures as a response and creating

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and/or modifying the schedule after completion of the program (see Col. 5 line 56 to Col. 6 line 41).

**Regarding claim 24**

Rosen teaches the invention including a method of programming a schedule of a controller having a user interface, the schedule having a number of schedule parameters, the method comprising the steps of: providing one or more interview questions to a user via the user interface, said one or more interview questions including at least one interview question relating to the user's comfort level and/or schedule; accepting one or more discrete numerical values as user responses to the one or more interview questions from the user via the user interface; translating the one or more discrete numerical values to form a translated response including one or more setpoints; and modifying one or more of the schedule parameters based on the translated response is taught as a programmable thermostat system having touch screen user interface for interactively displaying and programming with a user (see abstract), the touch screen user interface provides at least two or more programming steps asking for the times and at least one step relate to setting of comfortable temperatures (see FIG. 5 – FIG. 10) which receives discrete numerical times and discrete numerical temperatures as a response and translating the response into a schedule upon completion of the program (see Col. 5 line 56 to Col. 6 line 41).

**Regarding claim 31**

Rosen teaches a controller comprising: a programmable schedule, the schedule having a number of schedule parameters; a user interface, adapted and configured to provide one or more interview questions to a user, and to accept one or more discrete numerical values as user responses to each of at least one of the one or more interview questions from the user, said one or

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more interview questions including at least one interview question relating to the user's comfort level and/or schedule; and a translator, adapted and configured to translate the one or more discrete numerical values of the user responses to form a translated response; wherein, the number of schedule parameters are modified based on the translated response is taught as a programmable thermostat system having touch screen user interface for interactively displaying and programming with a user (see abstract), the touch screen user interface provides at least two or more programming steps asking for the times and at least one step relate to setting of comfortable temperatures (see FIG. 5 – FIG. 10) which receives discrete numerical times and discrete numerical temperatures as a response and translating the response into a schedule upon completion of the program (see Col. 5 line 56 to Col. 6 line 41).

**Regarding claim 37**

Rosen teaches a method of programming a schedule of a controller having a user interface, the schedule having a number of schedule parameters, the method comprising the steps of: sequentially providing a number of queries to a user via the user interface, at least one of said queries relating to the user's comfort and at least another one of the queries related to a user's schedule; and accepting user responses to at least selected queries, the sequence of queries adapted to collect sufficient information from the user responses to generate at least a major portion of the schedule parameters is taught as a programmable thermostat system having touch screen user interface for interactively displaying and programming with a user (see abstract), the touch screen user interface provides at least two or more programming steps asking for the times and at least one step relate to setting of comfortable temperatures (see FIG. 5 – FIG. 10) which receives discrete numerical times and discrete numerical temperatures as a response and

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translating the response into a schedule upon completion of the program (see Col. 5 line 56 to Col. 6 line 41).

**Regarding claims 4 and 26**

Rosen teaches wherein the providing step comprises providing one or more interview questions that are natural language questions (see FIG. 5-10 and Col. 5 line 56 to Col. 6 line 41).

**Regarding claim 5**

Rosen teaches wherein the providing step comprises providing one or more interview questions that are phrases (see FIG. 5-10 and Col. 5 line 56 to Col. 6 line 41).

**Regarding claims 6 and 27**

Rosen teaches wherein the providing step comprises providing one or more interview questions that are phrases having three or more words (see FIG. 5-10 and Col. 5 line 56 to Col. 6 line 41).

**Regarding claim 17**

Rosen teaches the user interface comprises a touchscreen (see abstract).

**Regarding claims 9, 20, 28, 34 and 41**

Rosen teaches wherein the creating and/or modifying step comprises modifying one or more HVAC schedule parameters (see Col. 5 lines 21-30).

**Regarding claims 13 and 43**

Rosen teaches wherein the providing step comprises providing one or more interview questions related to, which weekdays have a same schedule, when a first person wakes up, when a last person goes to sleep, when a last person leaves during the day, when a first person arrives home, what a comfortable temperature is when heat is on, what a comfortable temperature is when air



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conditioning is on, what a comfortable sleeping temperature is in summer, or what a comfortable sleeping temperature is in winter (see Col. 6 lines 7-21).

**Regarding claims 14, 22, 30, 36 and 44**

Rosen teaches wherein the providing step comprises providing one or more interview questions that provide a plurality of predetermined responses for selection by the user (see Col. 5 lines 1-20 and Col. 7 lines 65-67).

**Regarding claim 15**

Rosen teaches wherein the providing step comprises providing one or more interview questions that further display a previous answer that was accepted by the user interface (see FIG. 3).

**Regarding claims 19 and 33**

Rosen teaches wherein the user interface provides one or more interview questions that are phrases having two or more words (see FIG. 5-10 and Col. 5 line 56 to Col. 6 line 41).

**Regarding claim 39**

Rosen teaches sequentially providing step comprises sequentially providing a number of predetermined queries that are context sensitive to the user response (see Col. 5 lines 1-20 and Col. 7 lines 65-67).

**Regarding claim 40**

Rosen teaches wherein the accepting step comprises determining the number of queries based on the user responses to the context sensitive queries (see Col. 6 lines 1-41)

**Claim Rejections - 35 USC § 103**

8. Claims 2, 3, 7, 8, 18, 25, 32 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen in view of U.S. Patent Application Publication No. 2004/0193324 (“Hoog”).

**Regarding claims 2, 3, 18, 25, 32 and 38**

Rosen teaches wherein the providing step comprises providing one or more interview questions. Rosen does not specifically disclose that elicit an affirmative or negative of “YES” or “NO” user response.

However, Hoog teaches interactive programming of a thermostat where an affirmative or negative of a “YES” or a “NO” user response (see FIG. 3 and paragraph 47-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate affirmative or negative response of Hoog with the system of Rosen because it would provide for the purpose of providing an easy and straight to the point response that is familiar to most user.

**Regarding claims 7 and 8**

Rosen does not teach the providing step comprises providing one or more interview questions that are audible and accepting one or more user aural responses.

However, Hoog teaches interactive programming of a thermostat which include audible option for the user (see paragraphs 63 and 64) and accepting one or more user aural responses (see paragraphs 52 and 53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the audible interaction option of Hoog with the system of Rosen because

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it would provide for the purpose of offering the option of programming guidance to the visually impaired individual.

9. Claims 10-12, 21, 29, 35 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen in view of U.S. Patent No. 5,877,957 ("Bennett").

**Regarding claims 10, 11, 12, 21, 29, 35 and 42**

Rosen does not teach the creating and/or modifying step comprises modifying one or more lawn sprinkler schedule parameters, security system schedule parameters, or lighting schedule parameters.

However, Bennett teaches an automation system for controlling programmable devices by using dialog for training (scheduling) devices, wherein the devices includes a lawn sprinkler, a home security system, or lighting (see col. 1 lines 25-28) for the purpose of providing an automation system capable of programming at least one appliance that is inexpensive, easily installed, and easily program and reprogram by a user with no experience in programming (see col. 2 lines 16-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automation system of Bennett with the system of Rosen because it would provide for the purpose of providing an automation system capable of programming at least one appliance that is inexpensive, easily installed, and easily program and reprogram by a user with no experience in programming.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

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Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

A handwritten signature in black ink, appearing to read 'Thomas Pham', with a long horizontal flourish extending to the right.

May 28, 2006